

FILED

IAN 26 2023

UNITED STATES DISTRICT COURT

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY CLERK

United States of America

v.

Jose Alexis Padilla

&

Erick Arenas Pascual

Defendant(s)

Case No.

EP-23-M-221-LFC(1)(2)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 1, 2022 - January 25, 2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code,
Section 554

Smuggling Goods from the United States

This criminal complaint is based on these facts:

See Attached Affidavit Which is Hereby Incorporated by Reference

☒ Continued on the attached sheet.



Complainant's signature

Nate Anderson, Special Agent - ATF

Printed name and title

Sworn to before me and signed in my presence.

Oath Telephonically Sworn

At 1:12 PM

Fed.R.Crim.P.4.1(b)(2)(A)

Date:

1/26/2023

Judge's signature

City and state:

El Paso, Texas

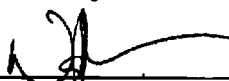
Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Nate Anderson, first being duly sworn, does hereby depose and state as follows:

1. Your affiant recently initiated an investigation into the activities of Jose Alexis PADILLA (PADILLA) and Erick ARENAS Pascual (ARENAS). This investigation relates to violations of Title 18, United States Code, Section 554: Smuggling Goods from the United States.
2. In January 2023, your affiant initiated an investigation in which a Girsan, Model MC28SAT, 9mm pistol, serial number T6368-21AV00504, was recovered by law enforcement officials with the Government of Mexico on November 7, 2022, in the City of Chihuahua, Chihuahua in the Republic of Mexico. The firearm was originally purchased by PADILLA at a Federal Firearms Licensee (FFL) in El Paso, TX within the Western District of Texas on April 1, 2022, 220 days before the firearm was seized in Chihuahua, Mexico.
3. On January 25, 2023, PADILLA was transferred a Smith & Wesson, Model SD9VE, 9mm pistol, serial number FDL4779 at an FFL in El Paso, TX. ARENAS drove he and PADILLA to the FFL and was present with PADILLA at the FFL during the firearm transaction. Upon exiting the FFL agents conducted interviews with PADILLA and ARENAS. Database records revealed, ARENAS was a citizen of Mexico and was not legally present in the United States. A Smith & Wesson, Model M&P9, 9mm pistol, serial number SBH4512 was found in ARENAS's vehicle that was purchased by PADILLA on January 21, 2023.
4. Both PADILLA and ARENAS admitted they conspired to obtain firearms from FFLs in El Paso, Texas and then turn the firearms over to individuals whom they knew were smuggling the firearms into Mexico. Neither PADILLA nor ARENAS possess a license to export goods from the United States. PADILLA and ARENAS were both paid approximately double the value for each firearm and would split the profits.
5. PADILLA and ARENAS admitted to previously obtaining three or four firearms since 2022 at the direction of an unidentified individual in Mexico and then turning the firearms over to individuals whom they knew were going to smuggle the firearms into Mexico.
6. The above affidavit is for purposes of establishing probable cause to obtain a criminal complaint and does not contain all of the facts related to the investigation. Your affiant believes probable cause exists that Jose Alexis PADILLA and Erick ARENAS Pascual were in violation of Title 18, United States Code, Section 554 when they knowingly participated in the smuggling of multiple firearms from the United States into Mexico.


ATF S/A Nate Anderson